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Letter dated 17 January 2006 from the Secretary-General addressed to the President of the Security Council

With reference to the statement by the President of the Security Council of 13 July 2005 (S/PRST/2005/31), I have the honour to transmit to you the final investigation report of the United Nations Organization Mission in the Democratic Republic of the Congo, concerning the events that took place on 9 July 2005 in the village of Kabingu in South Kivu.

I would like to take this opportunity to reiterate my grave concern about continuing human rights abuses in the Democratic Republic of the Congo. As the Security Council has noted in several of its resolutions and presidential statements pertaining to the Democratic Republic of the Congo, impunity must be brought to an end, and perpetrators of crimes such as those highlighted in the attached report (see annex) brought to justice.

I should be grateful if you would make the present letter and its annex available to the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Investigation report of the United Nations Organization Mission in the Democratic Republic of the Congo on the attack on Kabingu village in South Kivu on 9 July 2005

I. Summary

1. From 12 to 20 July 2005, a multidisciplinary team from the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) conducted an investigation into an attack that took place on the evening of 9 July 2005 by a group of armed Rwandan elements against the village of Kabingu, *localité* of Mamba, *groupement* of Fendula, *collectivité* of Kalonge, in Bunyakiri territory, approximately 60 km north-west of Bukavu in the province of South Kivu.

2. Based on the testimony gathered, the team was able to confirm that over 50 civilians were killed in the attack. Over 40 victims, mostly women and children, were either burned alive in their huts or killed by machete blows while trying to escape. Fifteen others were injured, six of whom later succumbed to their injuries at local health centres, and 11 women were raped during the course of the attack. Widespread looting was also reported.

3. Eyewitnesses indicated that the perpetrators were a group of approximately 30 well armed Rwandans from an area near Kahuzi-Biega National Park, approximately 20 km north-west of Bukavu. Local sources accused the same group of being responsible for a massacre in Nindja, Ihembe *groupement*, in Kabare territory, on 23 May 2005, during which at least 14 civilians were killed.

4. Local witnesses suggested that the attack on Kabingu may have been a reprisal against the population for having collaborated with the Armed Forces of the Democratic Republic of the Congo (FARDC) and MONUC. During June and July 2005, armed Rwandan militiamen had reportedly carried out a series of attacks in the *collectivité* of Kalonge, in Bunyakiri territory, and MONUC military had carried out a routine patrol in the area of Kahuzi-Biega National Park on 7 July.

5. It is estimated that over 10,000 civilians were displaced following the attacks in Kalonge. The residents of Kabingu have been unable to return to their village and have requested assistance in rebuilding their homes.

II. Methodology

6. During the investigation, the MONUC team carried out three field missions to Kabingu and to the neighbouring *groupements* of Chifunzi and Rambo on 12, 16 and 20 July 2005. The team conducted over 60 interviews, including with victims, eyewitnesses, community leaders, the FARDC 1012th Battalion Commander, other FARDC officers and local policemen. The team also interviewed 11 survivors at local health centres (six at the hospital of Chifunzi on 16 July and five at Panzi Hospital in Bukavu on 13 and 19 July). In addition, written reports were received from the Chief of Kalonge, the Administrator of the territory of Bunyakiri and a local non-governmental organization, the Comité d'encadrement des femmes et des enfants, veuves et orphelins of Kalonge.

7. It should be noted that many residents of Kabingu fled following the attack and were unavailable for the interview when the team visited the village.

III. Crimes perpetrated

Killings, abduction and rape of civilians

8. The village of Kabingu was reportedly attacked by a group of approximately 30 Rwandan militiamen on the evening of 9 July 2005. Witnesses said that the assailants were armed with machetes, automatic weapons, grenades and torches and most wore military uniforms. The assailants reportedly came from the direction of Kahuzi-Biega National Park, an area currently under the control of the Democratic Liberation Forces of Rwanda (FDLR) and Rasta armed groups.

9. In the weeks prior to the attack on Kabingu, there had been a series of attacks by armed Rwandan groups elsewhere in the territory of Bunyakiri. Two villages in the *collectivité* of Kalonge, Rwamikunda and Chamusi, had been attacked on 2 July and several civilians were reportedly killed or abducted. On 5 July, FARDC troops, guided by some local villagers, were able to track down the militiamen in Kahuzi-Biega National Park, capture several of them and retrieve some of the looted items. Owing to the generally unstable security situation, the residents of Kabingu had begun spending nights in the forest. On 9 July, while most of the village men were out patrolling the area or in hiding, a majority of the women and children, weary of sleeping in the forest, had decided to return to Kabingu and were gathered in three huts located in the outskirts of the village. It is believed that the attack on the village of Kabingu was a reaction to the actions taken by FARDC and MONUC.

10. Eyewitnesses described how the attack was carried out. The armed men reportedly looted and set fire to the first row of huts (more than 30), starting with the hut belonging to the village chief. One survivor, who was forced out of his home while it was being looted, heard the assailants speaking Swahili and Kinyarwanda and saw them setting fire to other huts. According to another eyewitness, when the attackers reached the three huts where the women and children were hiding, they called out in Swahili asking who was inside and then blocked the doors of the huts and set them afire. A witness said he heard cries of help coming from the burning huts but was unable to assist those inside. A number of victims managed to escape the fire. One female survivor said that the assailants locked her and her six children, along with another 30 villagers, inside their hut, before setting fire to the roof. As she escaped through a window, she was stabbed with a bayonet. She was unable to rescue her children. A 13-year-old girl said that two of her younger brothers tried to escape but were hurled back into the flames by a militiaman. Another woman said that she tried to flee with her 16-month-old baby but was caught by an assailant, who flung her baby into a burning hut. The militiaman then raped and wounded her with a bayonet. She also claimed to have witnessed other women, who were hiding in her house, being raped by the assailants, an account later confirmed by other witnesses. A report from the Chief of the *collectivité* of Kalonge indicated that a total of 11 women had been raped.

11. As they left Kabingu, the armed men abducted several villagers, including four young girls. Three of them were subsequently stabbed to death and their bodies found near the village. The fourth victim, aged thirteen, escaped from her captors along with three other minors on 4 August. She alleged that she was held in the

forest with a boy and several other girls (approximately fourteen years old) who had been abducted from neighbouring villages. According to this victim, during their captivity, all the girls were repeatedly raped and compelled to serve as "wives" for the militiamen. They were also subjected to beatings and forced to walk for hours in the forest carrying sacks of looted items.

12. Another victim told the team that he and his wife were abducted and made to transport looted items to Kahuzi-Biega National Park, before eventually managing to escape. Before being taken away, the couple allegedly witnessed the assailants beating their two children, aged three and five, to death at their home.

13. On the morning of 10 July, several survivors and FARDC soldiers based in Mamba arrived in Kabingu. The local FARDC Commander ordered the villagers to bury the dead, and several witnesses who took part in the burial stated that they were able to retrieve over 40 bodies, mostly women and children. Most of the bodies were so badly burned that they could not be identified; others bore signs of machete wounds. The bodies were buried in two mass graves. Fifteen wounded were brought to local health centres for medical treatment and six later succumbed to their injuries.

14. The exact number of victims remains unknown as most of the villagers had not returned to Kabingu at the time of the investigation. However, based on the testimonies gathered, the team was able to establish that:

(a) Over 40 victims, mostly women and children, were either burned alive in their huts or killed by machete blows while trying to escape;

(b) Fifteen civilians were injured, six of whom later died from their injuries at local health centres;

(c) Eleven women were subjected to rape during the course of the attack;

(d) At least six civilians were abducted from the village, three of whom were subsequently killed.

Looting and destruction of civilian homes

15. The consistent testimonies of the eyewitnesses and victims indicated that, during the attack on Kabingu, the assailants burnt down numerous homes. Others recounted how they managed to escape from their burning homes. During the field mission, the investigation team was able to confirm that at least 42 dwellings had been burned down and it discovered two fresh mass graves near the village chief's house.

16. Local sources indicated that the same armed group had carried out the attacks and looting reported in other villages in the area in June and early July 2005. This information was corroborated by the account of the three minors, two of whom claimed to have been abducted from the village of Kwamikundu. The children also claimed that they had witnessed the armed men looting supplies in other villages.

IV. Alleged perpetrators

17. Eyewitnesses indicated that the perpetrators were Rwandans from the area of Kahuzi-Biega National Park, located approximately 20 km north-west of Bukavu.

The attackers were allegedly well-armed, approximately 30 in number, with braided hair, and spoke Kiswahili and Kinyarwanda. An FARDC source claimed that a man known as Kyombé was the leader of the armed group and alleged that the assailants had left a letter pinned to one of the bodies warning that they would continue to carry out attacks against the local community if FARDC interfered in their actions.

18. Rwandan armed groups intensified their activities in the *localités* of Mamba and Ntulo in the month of June. In one incident in late June, armed Rwandan groups allegedly kidnapped over 50 civilians along the Bukavu-Kalonge axis, and the whereabouts of those individuals is still unknown.

19. The team was unable to establish whether the armed group that perpetrated the attack on Kabingu was in any way linked with FDLR or with one of the Rasta groups operating in the area. The FDLR stronghold is located in Ekingi and the group is said to have positions in Namuhembe, an area close to the *collectivité* of Kalonge, in Bunyakiri territory.

V. The humanitarian situation

20. Following the attacks on the *collectivité* of Kalonge, an estimated 10,000 civilians fled their homes. Humanitarian assistance has been delivered to the internally displaced persons in several villages and many of the wounded have received medical treatment at health centres in the *groupements* of Chifunzi, Rambo and Mule.

21. On 15 September, during another field mission to Kabingu, MONUC child protection officers observed that the village remained deserted. According to the village elders, the residents have not returned to Kabingu because they have been unable to rebuild their homes. Recently, the villagers declined food aid provided by the non-governmental organization, CARITAS, and instead requested assistance to rebuild their village.

VI. Response of the United Nations Organization Mission in the Democratic Republic of the Congo and the Congolese authorities

22. Although a FARDC platoon (comprised of 12 soldiers) of the 1012th Battalion had been deployed near Kabingu, the assailants met no FARDC resistance when they attacked the village. Allegedly, the soldiers positioned in the hills overlooking the village fled after the arrival of the militiamen. Two FARDC soldiers told the team that their unit did not defend Kabingu because they feared the armed group's Commander, Kyombé. The local FARDC Commander explained that his troops were poorly equipped and too few in number to guarantee the security of the population in Kalonge. However, since the attack, FARDC has increased its presence in the area and has established a base near the Kabare-Rwamikundi axis.

23. On 12 July, MONUC facilitated a visit of the Deputy Prosecutor of South Kivu to the site of the massacre and the team also communicated the findings of its investigations to the Prosecutor of Bukavu. MONUC has actively supported the local judiciary in Bukavu to initiate an investigation into the massacre in Kabingu. On 25 July, a delegation headed by the Security Adviser to the President of the

Democratic Republic of the Congo arrived in Bukavu, tasked to support a judicial investigation into the Kabingu massacre. To date, however, no arrests have been made among those believed to be responsible for the attack.

24. MONUC continues to closely monitor the armed groups operating in the area. Attacks on other villages and numerous cases of abductions of civilians by these armed groups have been reported since mid-July and MONUC has increased its military presence in the area in an attempt to stabilize the security situation. From 6 to 9 September, the MONUC South Kivu Brigade and FARDC troops carried out a joint operation, involving over 1,000 troops, in an effort to search the northern portion of Kahuzi-Biega National Park for rebel groups. MONUC will continue to do all it can to support the Congolese authorities in their efforts to bring those responsible to justice.